

REMARKS

Claims

After entry of this amendment, claims 22, 24, 26-29, 31, and 41 will be pending in the application. Claim 22 has been amended. Claims 1-21, 23, 25, 30, and 32-40 have been canceled. Dependent claim 41 has been added. Reconsideration is respectfully requested.

Claim Rejections – 35 U.S.C. §102(b)

Claims 22, 24-29, 31, 32-36, 38, and 40 stand rejected under 35 U.S.C. §102(b) as being anticipated by Lim et al. (U.S. Patent No. 5,927,956). Claims 32-40 stand rejected under 35 U.S.C. §102(b) as being anticipated by Troutner et al. (U.S. Patent No. 4,692,138). Claims 25 and 32-40 have been canceled. Applicant respectfully traverses the rejection to independent claim 22. Applicant has amended claim 22 to clarify the invention set forth therein.

Independent claim 22 defines over the cited prior art or any combination thereof. Claim 22 recites a tube set for use with a surgical pump and tool system to supply irrigation fluid to a tool of the system. The tube set includes an inlet tube 348A having first and second ends and an outlet tube 348B having first and second ends. The tube set further includes a cassette 302 for insertion into the surgical pump 13. The cassette 302 has a front, first and second spaced apart opposed sides that extend from the front, and a rear opposite the front that extends between the sides. The rear has a forwardly directed wall 352. The cassette 302 also includes a compressible tube 354 having opposed ends that extends across an outer surface of the forwardly directed wall 352 such that the compressible tube 354 is compressible against the forwardly directed wall 352 to deliver the fluid through the tube set. The cassette 302 further includes a locking finger 602 attached to the first side of the cassette 302. The locking finger 602 has a base that extends from the first side adjacent the rear, a tip spaced from the base and located adjacent the front, and an outer surface adjacent the first side. A retention feature 616 is formed on the outer surface between the base and tip to engage a retention feature integral with the surgical pump 13. The locking finger 602 is pivotally attached to the

first side to move towards the second side so that, when the locking finger 602 is so pivoted, the locking finger retention feature 616 disengages from the surgical pump retention feature.

Lim et al. discloses a tube set for use with a surgical pump and tool system to supply irrigation fluid to a tool. The tube set includes an inlet tube and an outlet tube and a cassette for coupling to the surgical pump. The cassette of Lim et al. includes a front 28, first and second spaced apart opposed sides 24, 26 that extend from the front 28, and a rear 32 opposite the front 28 that extends between the sides 24, 26. The front 28 has a forwardly directed wall. The cassette also includes a compressible tube 16 having opposed ends. The cassette of Lim et al. includes a locking finger 72. The locking finger 72 includes a base at the rear 32. The locking finger 72 also includes a tip spaced from the base and a retention feature 87 between the base and the tip. The retention feature 87 includes an inner surface for being biased outwardly to engage or disengage from a retention feature integral with the surgical pump.

Lim et al. fails to anticipate several features recited in independent claim 22. First, the forwardly directed wall in Lim et al. is at the front of the cassette, NOT the rear, as required by independent claim 22. Also, the compressible tube in Lim et al. does NOT extend across an OUTER surface of the forwardly directed wall, as required by independent claim 22. Instead, the compressible tube is adjacent an INNER surface of the forwardly directed wall. Furthermore, the compressible tube does not extend across the forwardly directed wall such that the compressible tube is COMPRESSIBLE AGAINST the forwardly directed wall, as required in independent claim 22. The compressible tube in Lim et al. is compressed by being stretched, not by being pressed against the forwardly directed wall (see FIG. 6 of Lim et al.).

Second, the locking finger 72 in Lim et al. does not extend between the front and rear, as required by independent claim 22. Instead, the locking finger 72 in Lim et al. extends downwardly from the rear 32, away from the cassette. This represents a clear difference in the configurations of the locking finger 72 of the cassette of Lim et al. and the locking finger 602 of the cassette recited in independent claim 22. In independent claim 22, the locking finger 602 is disposed between the front and rear to facilitate ease

of removal of the cassette from the surgical pump.

Third, since the locking finger of claim 22 is disposed between the front and rear, the locking finger retention feature is also located between the front and rear. The locking finger retention feature of Lim et al. is located downwardly from the rear of the cassette, not BETWEEN THE FRONT AND REAR. For this reason, a user must be able to reach the locking finger 72, which is located below the REAR of the cassette, to release the cassette. Conversely, the cassette of the present invention, as recited in independent claim 22, provides the advantage that the cassette can be released from a cassette slot or pocket surrounded on 4 sides without the user having to reach the REAR of the cassette. The cassette of Lim et al. could not be used in a system employing a cassette slot surrounded on 4 sides since the user would not be able to reach to the back of the slot to release the cassette. Therefore, the cassette of the present invention provides the advantage of being inserted into a completely surrounded slot with only a portion of the cassette protruding from the slot, while still be easily released from the slot. This configuration allows concealment of pump rollers at the back of the slot in the surgical pump to prevent users from coming into contact with the pump rollers. In Lim et al., the cassette is NOT designed to be inserted into a slot surrounded on all four sides, but instead the cassette is attached to the side of the surgical pump. Furthermore, the pump rollers in Lim et al. are not concealed, as best shown in FIG. 4. Thus, the user may inadvertently catch a surgical glove in the pump rollers or otherwise undesirably come into contact with the pump rollers.

Finally, the locking finger 72 in Lim et al. is not configured for being pivotally attached to the first side of the cassette such that a user can pivot the locking finger 72 TOWARD THE SECOND SIDE to release the retention feature 87 of the locking finger 72 from the surgical pump retention feature, as recited in independent claim 22. Instead, the locking finger 72 in Lim et al. must be pivoted outwardly to release the retention feature 87 of the locking finger 72 from the surgical pump retention feature.

For these reasons and the failure of Lim et al. to anticipate each and every feature recited in independent claim 22, Applicant respectfully submits that independent claim 22 is in condition for allowance.

Applicant: David Hershberger et al.
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Applicant submits that dependent claims 24, 26-29, 31, and 41 are also in condition for allowance based on their own merits and their dependency to independent claim 22 and the failure of the references to suggest independent claim 22.

Applicant believes the application is now in condition for allowance, which allowance is respectfully solicited. Applicant believes that no additional fees are required. In any event, however, the Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayment.

Respectfully submitted,
HOWARD & HOWARD ATTORNEYS

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Date

/Trent K. English/
Trent K. English, Registration No. 56,951
The Pinehurst Office Center, Suite #101
39400 Woodward Avenue
Bloomfield Hills, MI 48304-5151
(248) 723-0462